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11 Apple Inc.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 CHANDRA SANDERS, on Behalf of
16 Herself and All Others Similarly Situated,

17 Plaintiff,

18 v.

19 APPLE INC., a California corporation; and
20 DOES 1 through 250, inclusive,

21 Defendant.

CASE NO. 5:08-CV-01713-JF

**STIPULATION AND [PROPOSED]
ORDER SETTING BRIEFING SCHEDULE
FOR RULE 12 MOTION AND
RESCHEDULING CASE MANAGEMENT
CONFERENCE**

22 Plaintiff Chandra Sanders (“Sanders”) and Defendant Apple Inc. (“Apple”), by and
23 through their respective counsel, stipulate and declare as follows:

24 WHEREAS, the Complaint in this action was filed on March 31, 2008 and Apple was
25 served with the Complaint on July 11, 2008.

26 WHEREAS, Apple’s initial response to the Complaint was due on July 31, 2008, but the
27 parties stipulated that Apple would have to and until August 15, 2008 to file its response to the
28

1 Complaint.

2 WHEREAS, on July 18, 2008, the Court rescheduled the Case Management Conference in
3 this matter for August 15, 2008 at 10:30 a.m. before the Honorable Jeremy Fogel.

4 WHEREAS, Sanders filed a First Amended Complaint on August 7, 2008.

5 NOW, THEREFORE, Sanders and Apple, through their respective counsel, hereby agree,
6 stipulate, and declare that:

7 (1) Apple shall have to and until September 10, 2008 to file its response to Sanders'
8 First Amended Complaint. Apple reserves all defenses and objections to the First Amended
9 Complaint.

10 (2) Sanders shall have to and until September 26, 2008 to file an opposition to any
11 Federal Rule of Civil Procedure ("Rule") 12 motion(s) regarding Sanders' First Amended
12 Complaint.

13 (3) Apple shall have to and until October 10, 2008 to file its reply to Sanders'
14 opposition.

15 (4) The hearing on any Rule 12 motion(s) regarding Sanders' First Amended
16 Complaint will be set at the Court's convenience at any date thereafter.

17 (5) If Apple's Rule 12 motion(s) are granted without leave to amend, no answer will
18 be filed. If Apple's Rule 12 motion(s) are granted with leave to amend, Apple's answer or further
19 motion(s) will be due within twenty days after the amended pleading is filed. If the Court denies
20 Apple's Rule 12 motion(s) in their entirety, Apple's answer will be due within twenty days after
21 any such ruling.

22 (6) The August 15, 2008 Case Management Conference will be taken off calendar and
23 rescheduled for any date after the hearing on any Rule 12 motion(s), at the Court's convenience.

1
2 IT IS SO STIPULATED AND DECLARED:

3
4 Dated: August 7, 2008

5 DLA PIPER US LLP

6
7 By s/ Mark H. Hamer
8 MARK H. HAMER
9 Attorneys for Defendant
10 APPLE INC.

11 In accordance with General Order No. 45, Rule X(B), the above signatory attests that
12 concurrence in the filing of this document has been obtained from the signatory below.

13 Dated: August 7, 2008

14 KABATECK BROWN KELLNER LLP

15 By s/ Alfredo Torrijos
16 ALFREDO TORRIJOS
17 Attorneys for Defendant
18 CHANDRA SANDERS
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1 ***Chandra Sanders. v. Apple Inc.,***
United District Court – Northern District of California – San Jose Division
2 Case No. 5:08-cv-01713-JF

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4 **CERTIFICATE OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to
5 the within action. My business address is DLA Piper US LLP, 401 B Street, Suite 1700, San
6 Diego, California 92101-4297. On August 7, 2008, I served the within documents:

7 **STIPULATION AND [PROPOSED] ORDER SETTING**
8 **BRIEFING SCHEDULE FOR RULE 12 MOTION AND**
9 **RESCHEDULING CASE MANAGEMENT CONFERENCE**

10 ☒ By electronically filing, I served each of the above-referenced documents by
11 E-filing, in accordance with the rules governing the electronic filing of documents
12 in the United States District Court for the Southern District of California.

13 I declare under penalty of perjury under the laws of the State of California and the United
14 States of America that the above is true and correct.

15 Executed on August 7, 2008, at San Diego, California.

16 s/David A. Knotts
17 David A. Knotts
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHANDRA SANDERS, on Behalf of
Herself and All Others Similarly Situated,

Plaintiff,

v.

APPLE INC., a California corporation; and
DOES 1 through 250, inclusive,

Defendant.

CASE NO. 5:08-CV-01713-JF

**[PROPOSED] ORDER SETTING
BRIEFING SCHEDULE FOR RULE 12
MOTION AND RESCHEDULING CASE
MANAGEMENT CONFERENCE**

[PROPOSED] ORDER

Pursuant to stipulation between the parties:

(1) Apple shall have to and until September 10, 2008 to file its response to Sanders' First Amended Complaint.

(2) Sanders shall have to and until September 26, 2008 to file an opposition to any Federal Rule of Civil Procedure ("Rule") 12 motion regarding Sanders' First Amended Complaint.

(3) Apple shall have to and until October 10, 2008 to file its reply to Sanders' opposition.

(4) The hearing on any Rule 12 motion(s) regarding Sanders' First Amended Complaint will be held on _____, 2008 at ____.

(5) If Apple's Rule 12 motion(s) are granted without leave to amend, no answer will be filed. If Apple's Rule 12 motion(s) are granted with leave to amend, Apple's answer or further motion(s) will be due within twenty days after the amended pleading is filed. If the Court denies Apple's Rule 12 motion(s) in their entirety, Apple's answer will be due within twenty days after any such ruling.

1 (6) The August 15, 2008 Case Management Conference will be taken off calendar and
2 rescheduled for _____, 2008 at _____.

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6 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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8 Dated: _____

9 _____
10 THE HONORABLE JEREMY FOGEL
11 UNITED STATES DISTRICT JUDGE
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